

## **R E M A R K S**

The final office action of October 15, 2010 has been reviewed and its contents carefully noted. Reconsideration of this case, as amended, is requested. Claims 1 through 6 and 15 through 28 remain in this case, claims 1, 15, 21, 22, and 24 being amended and claim 28 being added by this response. No new matter was introduced by these amendments. Specifically, the “separate windows” feature previously in claims 1 and 15 was moved into claims 24 and 21, respectively. Features previously in the preambles of claims 1 and 15 were moved to the bodies of claims 1 and 15, respectively. The amendments to claim 22 are supported by page 10, lines 20-29 of the application as filed. In claim 1, “the testing system is used to determine whether the automated system functioned properly during a recorded event” is supported by page 1, lines 14-18 and page 5, lines 15-29 of the application as filed. In claim 15, “reviewing said digital data, serial data, and video data to determine whether the automated system functioned properly during the recorded event” is supported by page 1, lines 14-18 and page 5, lines 15-29 of the application as filed. In claim 28, “a user can evaluate whether the automated system functioned properly during the occurrence of the physical events” is supported by page 1, lines 14-18 and page 5, lines 15-29 of the application as filed. The additional features of new claim 28 are supported by claim 1 as filed.

## **STATEMENT OF THE SUBSTANCE OF THE INTERVIEW**

The Applicant’s agent, Kraig Haverstick, and the Applicant, Robert G. Combs, thank Examiner Heather Rae Jones for discussing the case in a telephone interview on January 19, 2011.

There were no exhibits shown or demonstrations exhibited during the telephonic interview.

Claims 1, 15, 22, 23, and proposed claims 28-30 were discussed in the interview. Laird *et al.* Moran *et al.*, and Auty *et al.*, all prior art of record, were discussed during the interview.

Proposed claim amendments were discussed with respect to the current rejections in the final Office Action.

No general agreement was reached with respect to the claims. Agreement was reached that the features of proposed claims 28 and 29, if added to claims 1 and 15, respectively, would overcome the current prior art rejections.

The Applicant's agent agreed to discuss the claims by telephone with the Examiner if the Examiner found allowable subject matter in a dependent claim upon further review and searching.

Applicant believes that this statement satisfies the requirements to file a Statement of the Substance of the Interview and accurately represents the substance of the interview conducted. If the Examiner disagrees, or believes for any other reason that direct contact with Applicant's agent would advance the prosecution of the case to finality, she is invited to telephone the undersigned at the number given below.

The numbered paragraphs below correspond to the numbered paragraphs in the Office Action.

#### **Rejections under 35 U.S.C. §103**

4. Claims 1, 3-6, 15-18, and 20-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Laird *et al.* (U.S. Patent No. 6,647,361) in view of Moran *et al.* (U.S. Patent No. 6,332,147). While applicant respectfully disagrees with the rejection for the reasons given previously in the office action response dated July 23, 2010, to further prosecution the independent claims have been amended as discussed during the telephone interview of January 19, 2011 with the Examiner.

Claim 1 has been amended to include, in part, "[a] testing system ... wherein the testing system is used to determine whether the automated system functioned properly during a recorded event", which the Examiner indicated during the interview would overcome the current rejections.

Neither Laird nor Moran teaches or suggests a testing system used to determine whether an automated system functioned properly during a recorded event.

Neither Laird nor Moran, alone or in combination, teach or suggest Applicant's amended claim 1. Therefore, it is respectfully suggested that independent claim 1 is not obvious over Laird in view of Moran. Dependent claims 3-6 and 24-27, being dependent upon and further limiting independent claim 1, should also be allowable for that reason, as well as for the additional recitations they contain. Reconsideration and withdrawal of the rejection of claims 1, 3-6 and 24-27 are respectfully requested.

Claim 15 has been amended to include, in part, the step of "reviewing said digital data, serial data, and video data to determine whether the automated system functioned properly during the recorded event", which the Examiner indicated during the interview would overcome the current rejections.

Neither Laird nor Moran teaches or suggests a method including reviewing digital data, serial data, and video data to determine whether an automated system functioned properly during a recorded event.

Neither Laird nor Moran, alone or in combination, teach or suggest Applicant's amended claim 15. Therefore, it is respectfully suggested that independent claim 15 is not obvious over Laird in view of Moran. Reconsideration and withdrawal of the rejection of claim 15 are respectfully requested.

Dependent claim 22 includes, in part, the step of "regenerating the discrete digital signals from the digital data and serial messages from the serial data and supplying the discrete digital signals and serial messages as inputs to the automated system in a format and a timing of an original sequence of events to simulate the original sequence of events".

Dependent claim 23 includes, in part, the step of "evaluating a response by the automated system to the inputs".

While the Examiner admits that neither Laird nor Moran teach these steps, official notice was taken "that it is well-known in the art that by inputting the same inputs to the automated system as originally inputted one can simulate the previous results of the automated system and further evaluate the new results" (present office action, dated October 15, 2010, page 10, lines 5-8). The step of claim 22, however, is more complicated than simply "inputting the same inputs to

the automated system as originally inputted”. The original inputs were generated by the automated system, whereas the regenerated inputs are generated by the testing system and supplied to the automated system. Therefore, it is respectfully suggested that claims 22 and 23 are not obvious over Laird in view of Moran.

Dependent claims 16-18 and 20-23, being dependent upon and further limiting independent claim 15, should also be allowable for that reason, as well as for the additional recitations they contain. Reconsideration and withdrawal of the rejection of claims 16-18 and 20-23 are respectfully requested.

5. Claims 2 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Laird *et al.* (U.S. Patent No. 6,647,361) in view of Moran *et al.* (U.S. Patent No. 6,332,147) and further in view of Auty *et al.* (U.S. Patent No. 5,809,161). While applicant respectfully disagrees with the rejection for the reasons given previously in the office action response dated July 23, 2010, to further prosecution the independent claims have been amended as discussed during the telephone interview of January 19, 2011 with the Examiner.

Regarding claim 1, upon which claim 2 depends, claim 1 has been amended to include, in part, “[a] testing system ... wherein the testing system is used to determine whether the automated system functioned properly during a recorded event”, which the Examiner indicated during the interview would overcome the current rejections.

None of Laird, Moran, and Auty teaches or suggests a testing system used to determine whether an automated system functioned properly during a recorded event.

None of Laird, Moran, and Auty, alone or in combination, teach or suggest Applicant’s amended claim 1. Therefore, it is respectfully suggested that independent claim 1 is not obvious over Laird in view of Moran and further in view of Auty. Dependent claim 2, being dependent upon and further limiting independent claim 1, should also be allowable for that reason, as well as for the additional recitations it contains. Reconsideration and withdrawal of the rejection of claim 2 are respectfully requested.

Regarding claim 15, upon which claim 19 depends, claim 15 has been amended to include, in part, the step of “reviewing said digital data, serial data, and video data to determine

whether the automated system functioned properly during the recorded event”, which the Examiner indicated during the interview would overcome the current rejections.

None of Laird, Moran, and Auty teaches or suggests a method including reviewing digital data, serial data, and video data to determine whether an automated system functioned properly during a recorded event.

None of Laird, Moran, and Auty, alone or in combination, teach or suggest Applicant’s amended claim 15. Therefore, it is respectfully suggested that independent claim 15 is not obvious over Laird in view of Moran and further in view of Auty. Dependent claim 19, being dependent upon and further limiting independent claim 15, should also be allowable for that reason, as well as for the additional recitations it contains. Reconsideration and withdrawal of the rejection of claim 19 are respectfully requested.

### **Conclusion**

Applicant believes the claims, as amended, are patentable over the prior art, and that this case is now in condition for allowance of all claims therein. Such action is thus respectfully requested. If the Examiner disagrees, or believes for any other reason that direct contact with Applicant’s agent would advance the prosecution of the case to finality, she is invited to telephone the undersigned at the number given below.

"Recognizing that Internet communications are not secured, I hereby authorize the PTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file."

Respectfully Submitted:  
-- Robert G. Combs --

By:     /KLH #57457/      
-- Kraig Haverstick, Reg. No. 57,457 --  
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